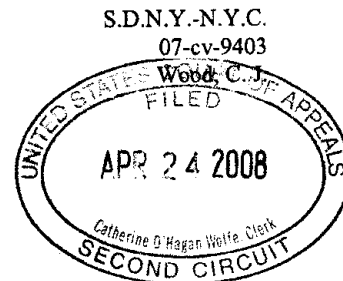


MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT



At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 24th day of April, two thousand eight,

Present:

Hon. Dennis Jacobs,
Chief Judge,
Hon. Robert A. Katzmann,
Hon. Barrington D. Parker,
Circuit Judges.

Alexander Jhoanni Pacheco,

Petitioner-Appellant,

v.

08-0025-pr

Michael B. Mukasey, United States
Attorney General, Immigration and
Naturalization Service,

Respondents-Appellees.

Petitioner, *pro se*, moves for leave to proceed *in forma pauperis* and for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 

A TRUE COPY

Thomas Asreen, Acting Clerk

by 

Deputy Clerk

-ISSUED AS MANDATE JUL 22 2008-